

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1737 of 2018

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Birendra Mandal, S/o Yugeshwar Mandal @ Jugai Mandal @ Jugal Mandal,
Resident of Village- Chanipur, P.O.- Bashideopur, P.S.- Laukaha, District-
Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Prohibition Excise & Registration Department,
Government of Bihar.
3. That Excise Commissioner Prohibition Excise & Registration Department,
Government of Bihar.
4. The Collector, Madhubani.
5. The District Transport Officer, Madhubani.
6. The Excise Superintendent, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13, Advocate Mr. Jitendra Kumar Bharti, Advocate Mr. Rohit Kumar, Advocate
For the State	:	Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-02-2018

This writ petition has been filed for release of a vehicle
(Mahindra Auto) (Tempoo) bearing Registration No. BR06PC-9763,
which has been seized in connection with Excise Case No.408of
2017-18, arising out of Laukaha P.S. Case No.23 of 2017 due to
violation of the Excise Act.

It is common ground that in various cases, identical in
nature, pending finalization of the confiscation proceedings vehicles
have been directed to be released by this Court on various conditions
and we see no reason to make a deviation in the present case.



Keeping in view the aforesaid, it is directed that pending finalization of the aforesaid confiscation proceedings and criminal case, vehicle in question shall be released to the petitioner on his furnishing bank guarantee to the satisfaction of District Magistrate-cum-Collector, Madhubani and further undertaking to produce the vehicle as and when directed by the authority concerned and not to alienate or deal with the vehicle in question during the pendency of the confiscation proceedings and criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings.

The vehicle in question be released within one week from the date of furnishing the bank guarantee.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12-02-2018
Transmission Date	

